

Office of Attorney General Terry Goddard



STATE OF ARIZONA
DEPARTMENT OF LAW
12 75 W. WASHINGTON STREET
PHOENIX, ARIZONA 85007-2926
2200
WWW.AZAG.GOV

ANDREA M. ESQUER
PRESS SECRETARY
PHONE: (602) 542-8019
CELL PHONE: (602) 725-

FOR IMMEDIATE RELEASE

Attorney General's Office Files Petition for Quo Warranto in Smith Case

(Phoenix, Ariz. – Oct. 20, 2005) The Attorney General's Office today filed a petition in Maricopa County Superior Court requesting a Writ of Quo Warranto to remove David Burnell Smith from public office. The Attorney General is authorized to bring a Quo Warranto action against a public official who holds an office without the proper legal authority to do so.

The Citizens Clean Elections Commission found in March 2005 that Smith had exceeded his primary election spending limit. The Commission issued an order requiring Smith to pay a civil penalty of \$10,000 to the Commission, forfeit his office of State Representative for District 7 and repay the Citizens Clean Elections Fund \$34,625.09. The Commission issued a Final Order affirming this decision in August which became the final administrative decision on Oct. 4.

Following the Final order and denial of Smith's request for a rehearing by the Commission, he had 14 days to appeal the final administrative decision to the Superior Court. The deadline for filing his appeal expired on Oct. 18.

The petition has been assigned to Maricopa County Superior Court Judge Colin Campbell. An initial hearing on the application for an order to show cause has been set for Oct. 31 at 10 a.m.

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